



PATENT

ATTORNEY DOCKET NO.: 046124-5042

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tadimitsu KISHIMOTO et al. )

U.S. Application No.: 09/646,785 )

Group: Unassigned

International Appl. Filing Date: March 23, 1999 )

Date of National Stage Entry: September 22, 2000 )

Examiner: Unassigned

For: VASCULARIZATION INHIBITORS )

**BOX PCT**Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RECEIVED****04 MAY 2001****Legal Staff  
International Division****PETITION UNDER 37 C.F.R. § 1.181 AND M.P.E.P. § 710.06 TO RESET THE  
PERIOD FOR REPLY TO A NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. § 371 DUE TO LATE RECEIPT OF THE NOTIFICATION**

Pursuant to 37 C.F.R. § 1.181 and M.P.E.P. § 710.06, Applicants hereby respectfully petition the Commissioner to reset the period for reply to the Notification of Missing Requirements Under 35 U.S.C. § 371, due to late receipt of the Notification. Applicant's reason in support of this petition is that the Notification of Missing Requirements Under 35 U.S.C. § 371, a copy of which is attached as Exhibit 1, is dated as having been mailed on October 24, 2000; however, to the best of our knowledge and belief it was not received at our correspondence address, which is printed correctly on the Notification, until February 12, 2001.

In support of this Petition, Applicants respectfully submit the following evidence for the Commissioner's consideration:

**RECEIVED  
FEB 27 2001  
Group 2100**

(1) Exhibit 1 is a copy of the Notification of Missing Requirements Under 35 U.S.C. § 371 dated as having been mailed from the PTO on October 24, 2000. The Commissioner's attention is respectfully drawn to the docketing stamp indicating that it arrived and was docketed in accordance with our usual Firm procedure on February 12, 2001.

(2) Exhibit 2 is a printout from our Firm's patent docketing system labeled "Actions Due." The Commissioner's attention is respectfully drawn to the segment labeled "Action Base Date," which indicates the date shown as the PTO mailing date of any correspondence received by our Firm from the PTO, and the segment labeled "Date Created," which indicates the date the item was entered into our Firm's docketing system. In this case, it is apparent that the Notification of Missing Requirements was dated as having been mailed from the PTO on October 24, 2000 (the "Action Base Date"); however, the Notification was not entered into our docketing system until February 12, 2001 (the "Date Created"). Because it is our longstanding Firm policy and practice to docket papers received from the PTO within one day of receipt, we submit this as evidence that the Notification did not arrive at our Firm until February 12, 2001.

(3) Exhibit 3 is a second printout from our Firm's patent docketing system labeled "Country Application." The Commissioner's attention is respectfully drawn to the segment labeled "Remarks," which further indicates that the Notification was received by our Firm on February 12, 2001.

(4) Exhibit 4 is a third printout of data from our Firm's patent docketing system indicating that we received, in good order, at least four (4) other missing parts notifications having a PTO mailing date (i.e., "Action Base Date") of October 24, 2000.

For the foregoing reasons, Applicants hereby respectfully petition the Commissioner to reset the period for reply to the Notification of Missing Requirements dated October 24, 2000, to run from February 12, 2001, which was the actual date of receipt of this paper at our Firm.

Please charge the requisite \$130.00 petition fee due under 37 C.F.R. § 1.17(h) to our Deposit Account No. 50-0310. The Commissioner is hereby authorized to charge any additional fees which may be necessary, or credit any overpayment, to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: February 16, 2001

By: 

Robert J. Hollingshead  
Reg. No. 44,479

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1800 M Street, N.W.  
Washington, D.C. 20036  
202-467-7000

09/646785



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

09/646785 KISHINOTO FIRST NAMED APPLICANT ATTY. DOCKET NO. 046124-5042

009629  
MORGAN, LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON DC 20036-5869

5611

INTERNATIONAL APPLICATION NO. P99/01448

I.A. FILING DATE

PRIORITY DATE

03/23/99

03/24/98

(10/24/00)

DATE MAILED:

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494),

☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 22 SEP 2000

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other: \_\_\_\_\_

Docketed 2-12-01 Attorney JGS  
Case 46124-5042  
Due Date 2-24-01  
Action Missing Requirements 3rd EOT  
By SPW Csk \_\_\_\_\_

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-(d) AND 3 ABOVE **MUST** BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3736

Vonda M. Wallace  
Paralegal Specialist  
VW.

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**Actions Due**

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14-Feb-2001

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**Case Number:** 46124-5042      **SubCase:****Country:** US      United States of America**CtrySub:****Action Type:** Notice of Missing Requirement**Action Base Date:** 24-Oct-2000**Response sent date:**

Action(s) Due	Due Date	Indicator	Taken
Missing Requirement Recd	13-Feb-2000	Reminder	
Missing Requirement - 1 week	17-Nov-2000	Reminder	12-Feb-2001
Notice of Missing Requirement	24-Nov-2000	Due Date	12-Feb-2001
Missing Requirement - 1 EOT	24-Dec-2000	Due Date	12-Feb-2001
Missing Requirement - 2 EOT	24-Jan-2001	Due Date	12-Feb-2001
Missing Requirement - 1 week	17-Feb-2001	Reminder	
Missing Requirement - 3 EOT	24-Feb-2001	Due Date	
Missing Requirement - 4 EOT	24-Mar-2001	Due Date	
Missing Requirement - 5 EOT	24-Apr-2001	Final	

**Remarks:****User ID:** ShaVaughn**Date Created:** 12-Feb-2001**Last Update:** 12-Feb-2001

## Country Application

12-Feb-01

**Case Number:** 46124-5042

**SubCase:**

**Client:** SOEI Patent and Law Firm

**Country:** US United States of America

**CtrySub:**

**Title:** VASCULARIZATION INHIBITORS

**Case Type:** PCT

**Application Status:** Pending

**Application Number:** 09/646,785

**Filing Date:** 22-Sep-2000

**Patent Number:**

**Issue Date:**

**Publication Number:**

**Publication Date:**

**Priority Number:**

**Priority Date:** 24-Mar-1998

**Inv.Priority Number:** P1998-095443

**Expiration Date:**

**Client Ref #:** CGS 98-06US

**Tax:** LE

**Agent:**

**Agent Reference Number:**

### List Of User Actions

Action(s) Due	Due Date	Action Taken
Missing Requirement Recd	13-Feb-2000	Reminder
Missing Requirement - 1 week	17-Feb-2001	Reminder
File IDS	22-Feb-2001	Due Date
Missing Requirement - 3 EOT	24-Feb-2001	Due Date
Missing Requirement - 4 EOT	24-Mar-2001	Due Date
Missing Requirement - 5 EOT	24-Apr-2001	Final
12 month Status Check	22-Sep-2001	Status
18 month Status Check	22-Mar-2002	Status

**Remarks:** \*\*\*Missing Requirement dated 10/24/00 rcvd 2/12/01-response due is already in extensions\*\*\*

References for IDS received 1/30/01;

Executed Decl/Assignment received 12/20/00;

**User ID:** ShaVaughn

**Date Created:** 19-Sep-2000

**Last Update:** 12-Feb-2001

Case Number	SubCase	Action Type	Action Base Date
41514-5088		US-Missing Parts Received	24-Oct-2000
44321-0255	01	US-Missing Parts Received	24-Oct-2000
51544-5002		US-Missing Parts Received	24-Oct-2000
51545-5007	03	US-Missing Parts Received	24-Oct-2000